

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEVIN L. MURPHY,

Plaintiff,

v.

STEVEN CAMBRA,

Defendant.

CASE NO. 1:01-cv-06532-OWW-LJO PC

ORDER DENYING AS MOOT PLAINTIFF'S
MOTION REQUESTING THE COURT
DELAY RULING ON HIS MOTION TO
AMEND PENDING RESOLUTION OF
PARTIES' MOTIONS FOR SUMMARY
JUDGMENT

(Doc. 105)

ORDER DIRECTING CLERK'S OFFICE TO
RE-SERVE DOCUMENT 98 ON PLAINTIFF

Plaintiff Kevin L. Murphy ("plaintiff") is a state prisoner proceeding pro in this civil rights action pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 12132 (Americans with Disabilities Act), and 29 U. S. C. § 794 (Rehabilitation Act). On November 21, 2006, plaintiff filed a motion requesting that the court delay ruling on his motion to amend pending resolution of the parties' motions for summary judgment. (Doc. 105.)

Plaintiff's motion to amend, filed June 2, 2006, was denied by the court in an order issued on September 1, 2006. (Doc. 98.) Plaintiff's motion to delay a ruling is therefore moot. In light of the fact that plaintiff believes his motion is still pending, it appears that plaintiff did not receive the court's order. Accordingly, the Clerk's Office shall be directed to re-serve the order.

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1 Based on the foregoing, it is HEREBY ORDERED that plaintiff's motion requesting the
2 court delay ruling on his motion to amend pending resolution of the parties' motions for summary
3 judgment, filed November 21, 2006, is DENIED AS MOOT, and the Clerk's Office SHALL re-serve
4 document 98 on plaintiff.

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6 IT IS SO ORDERED.

7 **Dated: January 27, 2007**
8 b9ed48

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE